



General Assembly

Substitute Bill No. 6508

January Session, 2003

AN ACT CONCERNING LONG-TERM PLANNING FOR ENERGY FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50i of the general statutes is amended by
2 adding subsection (g) as follows (*Effective July 1, 2003*):

3 (NEW) (g) "Request-for-proposal process" or "request-for-proposal"
4 means the process set forth in subsections (a) and (b) of section 11 of
5 this act.

6 Sec. 2. Subsection (a) of section 16-50l of the general statutes is
7 repealed and the following is substituted in lieu thereof (*Effective July*
8 *1, 2003*):

9 (a) (1) To initiate a certification proceeding, an applicant for a
10 certificate shall file with the council an application, in such form as the
11 council may prescribe, accompanied by a filing fee of not more than
12 twenty-five thousand dollars, which fee shall be established in
13 accordance with section 16-50t, [containing] and a municipal
14 participation fee of twenty-five thousand dollars to be deposited in the
15 account established pursuant to section 7 of this act, except that an
16 application for a facility described in subdivision (5) or (6) of
17 subsection (a) of section 16-50i, as amended by this act, shall not pay
18 such municipal participation fee, and provided where no proposals are
19 received pursuant to the request-for-proposal process, the municipal

20 participation fee shall be refunded to the subject applicant. An
21 application shall contain such information as the applicant may
22 consider relevant and the council or any department or agency of the
23 state exercising environmental controls may by regulation require,
24 including the following information:

25 [(1)] (A) In the case of facilities described in subdivisions (1), (2) and
26 (4) of subsection (a) of section 16-50i, as amended by this act: [(A)] (i) A
27 description, including estimated costs, of the proposed transmission
28 line, substation or switchyard, covering, where applicable
29 underground cable sizes and specifications, overhead tower design
30 and appearance and heights, if any, conductor sizes, and initial and
31 ultimate voltages and capacities; [(B)] (ii) a statement and full
32 explanation of why the proposed transmission line, substation or
33 switchyard is necessary and how the facility conforms to a long-range
34 plan for expansion of the electric power grid serving the state and
35 interconnected utility systems, that will serve the public need for
36 adequate, reliable and economic service; [(C)] (iii) a map of suitable
37 scale of the proposed routing or site, showing details of the rights-of-
38 way or site in the vicinity of settled areas, parks, recreational areas and
39 scenic areas, and showing existing transmission lines within one mile
40 of the proposed route or site; [(D)] (iv) justification for adoption of the
41 route or site selected, including comparison with alternative routes or
42 sites which are environmentally, technically and economically
43 practical; [(E)] (v) a description of the effect of the proposed
44 transmission line, substation or switchyard on the environment,
45 ecology, and scenic, historic and recreational values; [(F)] (vi) a
46 justification for overhead portions, if any, including life-cycle cost
47 studies comparing overhead alternatives with underground
48 alternatives, and effects described in [subdivision (E)] (v) of this
49 subparagraph of undergrounding; [(G)] (vii) a schedule of dates
50 showing the proposed program of right-of-way or property
51 acquisition, construction, completion and operation; and [(H)] (viii)
52 identification of each federal, state, regional, district and municipal
53 agency with which proposed route or site reviews have been

54 undertaken, including a copy of each written agency position on such
55 route or site; and

56 [(2)] (B) [in] In the case of facilities described in subdivision (3) of
57 subsection (a) of section 16-50i, as amended by this act: [(A)] (i) A
58 description of the proposed electric generating or storage facility; [(B)]
59 (ii) a statement and full explanation of why the proposed facility is
60 necessary; [(C)] (iii) a statement of loads and resources as described in
61 section 16-50r; [(D)] (iv) safety and reliability information, including
62 planned provisions for emergency operations and shutdowns; [(E)] (v)
63 estimated cost information, including plant costs, fuel costs, plant
64 service life and capacity factor, and total generating cost per kilowatt-
65 hour, both at the plant and related transmission, and comparative costs
66 of alternatives considered; [(F)] (vi) a schedule showing the program
67 for design, material acquisition, construction and testing, and
68 operating dates; [(G)] (vii) available site information, including maps
69 and description and present and proposed development, and
70 geological, scenic, ecological, seismic, biological, water supply,
71 population and load center data; [(H)] (viii) justification for adoption
72 of the site selected, including comparison with alternative sites; [(I)]
73 (ix) design information, including description of facilities, plant
74 efficiencies, electrical connections to system, and control systems; [(J)]
75 (x) description of provisions, including devices and operations, for
76 mitigation of the effect of the operation of the facility on air and water
77 quality, for waste disposal, and for noise abatement, and information
78 on other environmental aspects; [(K)] (xi) a listing of federal, state,
79 regional, district and municipal agencies from which approvals either
80 have been obtained or will be sought covering the proposed facility,
81 copies of approvals received and the planned schedule for obtaining
82 those approvals not yet received.

83 (2) The filing of an application pursuant to subdivision (1) of this
84 subsection shall initiate the request-for-proposal process, except for an
85 application for a facility described in subdivision (5) or (6) of
86 subsection (a) of section 16-50i, as amended by this act.

87 (3) Notwithstanding the provisions of this subsection, an entity that
88 has submitted a proposal pursuant to the request-for-proposal process
89 may initiate a certification proceeding by filing with the council an
90 application containing the information required pursuant to this
91 section, accompanied by a filing fee of not more than twenty-five
92 thousand dollars, which fee shall be established in accordance with
93 section 16-50t, and a municipal participation fee of twenty-five
94 thousand dollars to be deposited in the account established pursuant
95 to section 7 of this act, not later than one hundred fifty days after the
96 Connecticut Energy Advisory Board performs the evaluation process
97 pursuant to subsection (d) of section 11 of this act.

98 Sec. 3. Subsection (e) of section 16-50l of the general statutes is
99 repealed and the following is substituted in lieu thereof (*Effective July*
100 *1, 2003*):

101 (e) (1) At least sixty days prior to the filing of [any] an application
102 with the council for a facility described in subdivision (5) or (6) of
103 subsection (a) of section 16-50i, as amended by this act, the applicant
104 shall consult with the municipality in which the facility may be located
105 and with any other municipality required to be served with a copy of
106 the application under subdivision (1) of subsection (b) of this section
107 concerning the proposed and alternative sites of the facility. Such
108 consultation with the municipality shall include, but not be limited to
109 good faith efforts to meet with the chief elected official of the
110 municipality. At the time of the consultation, the applicant shall
111 provide the chief elected official with any technical reports concerning
112 the public need, the site selection process and the environmental
113 effects of the proposed facility. The municipality may conduct public
114 hearings and meetings as it deems necessary for it to advise the
115 applicant of its recommendations concerning the proposed facility.
116 Within sixty days of the initial consultation, the municipality shall
117 issue its recommendations to the applicant.

118 (2) Except as provided in subdivision (3) of this subsection, upon the
119 filing of an application with the council for a facility described in

120 subdivisions (1) to (4), inclusive, of subsection (a) of section 16-50i, as
121 amended by this act, the applicant shall consult with the municipality
122 in which the facility may be located and with any other municipality
123 required to be served with a copy of the application under subdivision
124 (1) of subsection (b) of this section concerning the proposed and
125 alternative sites of the facility. Such consultation with the municipality
126 shall include, but not be limited to, good faith efforts to meet with the
127 chief elected official of the municipality. At the time of the
128 consultation, the applicant shall provide the chief elected official with
129 any technical reports concerning the public need, the site selection
130 process and the environmental effects of the proposed facility. The
131 municipality may conduct public hearings and meetings as it deems
132 necessary for it to advise the applicant of its recommendations
133 concerning the proposed facility. Within sixty days of the initial
134 consultation, the municipality shall issue its recommendations to the
135 applicant. No later than fifteen days after submitting the application to
136 the council, the applicant shall provide to the council all materials
137 provided to the municipality and a summary of the consultations with
138 the municipality including all recommendations issued by the
139 municipality.

140 (3) Upon the submission of a proposal pursuant to a request-for-
141 proposal, the person or entity submitting the proposal shall consult
142 with the municipality in which the facility may be located and with
143 any other municipality that would be required to be served with a
144 copy of an application for such proposal under subdivision (1) of
145 subsection (b) of this section concerning the proposed and alternative
146 sites of the facility. Such consultation with the municipality shall
147 include, but not be limited to, good faith efforts to meet with the chief
148 elected official of the municipality. At the time of the consultation, the
149 person or entity submitting the proposal shall provide the chief elected
150 official with any technical reports concerning the public need, the site
151 selection process and the environmental effects of the proposed
152 facility. The municipality may conduct public hearings and meetings
153 as it deems necessary for it to advise the person or entity submitting

154 the proposal of its recommendations concerning the proposed facility.
 155 Within sixty days of the initial consultation, the municipality shall
 156 issue its recommendations to the person or entity submitting the
 157 proposal. A person or entity that has complied with this subdivision
 158 shall be exempt from the provisions of subdivision (1) of this
 159 subsection.

160 (4) No later than fifteen days after submitting [the] an application to
 161 the council, the applicant shall provide to the council all materials
 162 provided to the municipality and a summary of the consultations with
 163 the municipality including all recommendations issued by the
 164 municipality.

165 Sec. 4. Subsection (a) of section 16-50m of the general statutes is
 166 repealed and the following is substituted in lieu thereof (*Effective July*
 167 *1, 2003*):

168 (a) [Upon the receipt of an application for a certificate complying
 169 with section 16-50l, the council shall promptly fix a commencement
 170 date and location for a public hearing thereon not less than thirty days
 171 nor more than one hundred fifty days after such receipt.] The council
 172 shall promptly fix a commencement date and location for a public
 173 hearing on an application for a certificate complying with section 16-
 174 50l, as amended by this act, (1) where no proposals are received
 175 pursuant to the request-for-proposal process, not less than thirty days
 176 after the deadline for submission of such proposals nor more than one
 177 hundred fifty days after such deadline; (2) where a proposal is
 178 received pursuant to the request-for-proposal process, not less than
 179 thirty days after the deadline of submission of an application pursuant
 180 to subdivision (3) of subsection (a) of section 16-50l, as amended by
 181 this act, nor more than one hundred fifty days after such deadline; or
 182 (3) where the application is for a facility described in subdivision (5) or
 183 (6) of subsection (a) of section 16-50i, as amended by this act, not less
 184 than thirty days after receipt of an application nor more than one
 185 hundred fifty days after such receipt. Applications that are common to
 186 a request-for-proposal shall be heard under a consolidated public

187 hearing process. At least one session of such hearing shall be held at a
188 location selected by the council in the county in which the facility or
189 any part thereof is to be located after six-thirty p.m. for the
190 convenience of the general public. After holding at least one hearing
191 session in the county in which the facility or any part thereof is to be
192 located, the council may, in its discretion, hold additional hearing
193 sessions at other locations. If the proposed facility is to be located in
194 more than one county, the council shall fix the location for at least one
195 public hearing session in whichever county it determines is most
196 appropriate, provided the council may hold hearing sessions in more
197 than one county.

198 Sec. 5. Section 16-50o of the general statutes is repealed and the
199 following is substituted in lieu thereof (*Effective July 1, 2003*):

200 (a) A record shall be made of the hearing and of all testimony taken
201 and the cross-examinations thereon. Every party or group of parties as
202 provided in section 16-50n shall have the right to present such oral or
203 documentary evidence and to conduct such cross-examination as may
204 be required for a full and true disclosure of the facts.

205 (b) The applicant shall submit into the record the full text of the
206 terms of any agreement, and a statement of any consideration therefor,
207 if not contained in such agreement, entered into by the applicant and
208 any party to the certification proceeding, or any third party, in
209 connection with the construction or operation of the facility. This
210 provision shall not require the public disclosure of proprietary
211 information or trade secrets.

212 (c) In a consolidated hearing for applications that are common to a
213 request-for-proposal, the results of the evaluation process pursuant to
214 subsection (d) of section 11 of this act shall be part of the record.

215 ~~[(b)]~~ (d) A copy of the record shall be available at all reasonable
216 times for examination by the public without cost at the principal office
217 of the council. A copy of the transcript of testimony at the hearing shall
218 be filed at an appropriate public office, as determined by the council,

219 in each county in which the facility or any part thereof is proposed to
220 be located.

221 Sec. 6. Subsection (a) of section 16-50p of the general statutes is
222 repealed and the following is substituted in lieu thereof (*Effective July*
223 *1, 2003*):

224 (a) (1) In a certification proceeding, the council shall render a
225 decision upon the record either granting or denying the application as
226 filed, or granting it upon such terms, conditions, limitations or
227 modifications of the construction or operation of the facility as the
228 council may deem appropriate.

229 (2) The council's decision shall be rendered [within] in accordance
230 with the following:

231 (A) Not later than twelve months [of the filing of an application
232 concerning] after the deadline for filing an application following the
233 request-for-proposal process for a facility described in subdivision (1)
234 or (2) of subsection (a) of section 16-50i, as amended by this act, or
235 subdivision (4) of said subsection (a) if the application was
236 incorporated in an application concerning a facility described in
237 subdivision (1) of said subsection (a); [, and within]

238 (B) Not later than one hundred eighty days [of the filing of any
239 other application concerning] after the deadline for filing an
240 application following the request-for-proposal process for a facility
241 described in subdivision (4) of said subsection (a), and an application
242 concerning a facility described in subdivision (3) [,] or (5) [or (6)] of
243 said subsection (a), provided such time periods may be extended by
244 the council by not more than one hundred eighty days with the
245 consent of the applicant; and

246 (C) Not later than twelve months after the filing of an application
247 for a facility described in subdivision (5) or (6) of said subsection (a),
248 provided such time period may be extended by the council by not
249 more than one hundred eighty days with the consent of the applicant.

250 (3) The council shall file, with its order, an opinion stating in full its
251 reasons for the decision. Except as provided in subsection (c) of this
252 section, the council shall not grant a certificate, either as proposed or as
253 modified by the council, unless it shall find and determine:

254 [(1)] (A) A public need for the facility and the basis of the need;

255 [(2) the] (B) The nature of the probable environmental impact,
256 including a specification of every significant adverse effect, whether
257 alone or cumulatively with other effects, on, and conflict with the
258 policies of the state concerning, the natural environment, ecological
259 balance, public health and safety, scenic, historic and recreational
260 values, forests and parks, air and water purity and fish, aquaculture
261 and wildlife;

262 [(3) why] (C) Why the adverse effects or conflicts referred to in
263 [subdivision (2) of this subsection] subparagraph (B) of this
264 subdivision are not sufficient reason to deny the application;

265 [(4) in] (D) In the case of an electric transmission line, [(A)] (i) what
266 part, if any, of the facility shall be located overhead, [(B)] (ii) that the
267 facility conforms to a long-range plan for expansion of the electric
268 power grid of the electric systems serving the state and interconnected
269 utility systems and will serve the interests of electric system economy
270 and reliability, and [(C)] (iii) that the overhead portions of the facility,
271 if any, are cost effective and the most appropriate alternative based on
272 a life-cycle cost analysis of the facility and underground alternatives to
273 such facility, and are consistent with the purposes of this chapter, with
274 such regulations as the council may adopt pursuant to subsection (a) of
275 section 16-50t, and with the Federal Power Commission "Guidelines
276 for the Protection of Natural Historic Scenic and Recreational Values in
277 the Design and Location of Rights-of-Way and Transmission Facilities"
278 or any successor guidelines and any other applicable federal
279 guidelines;

280 [(5) in] (E) In the case of an electric or fuel transmission line, that the
281 location of the line will not pose an undue hazard to persons or

282 property along the area traversed by the line; and

283 (F) In the case of an application that was heard under a consolidated
284 hearing process with other applications that were common to a
285 request-for-proposal, that the facility proposed in the subject
286 application represents the most appropriate alternative among such
287 applications based on the findings and determinations pursuant to this
288 subsection and subsection (c) of this section.

289 [The terms of any agreement entered into by the applicant and any
290 party to the certification proceeding, or any third party, in connection
291 with the construction or operation of the facility, shall be part of the
292 record of the proceedings and available for public inspection. The full
293 text of any such agreement, and a statement of any consideration
294 therefor, if not contained in the agreement, shall be filed with the
295 council prior to the council's decision. This provision shall not require
296 the public disclosure of proprietary information or trade secrets.]

297 Sec. 7. (NEW) (*Effective July 1, 2003*) (a) There is established an
298 account to be known as the "municipal participation account", within
299 the Consumer Counsel and Public Utility Control Fund established
300 pursuant to section 16-48a of the general statutes, which shall be a
301 separate, nonlapsing account. There shall be deposited in the account
302 the municipal participation fees received pursuant to subdivisions (1)
303 and (3) of subsection (a) of section 16-50l of the general statutes, as
304 amended by this act. The interest derived from the investment of the
305 account shall be credited to the fund. Any balance remaining in the
306 account at the end of any fiscal year shall be carried forward in the
307 account for the fiscal year next succeeding.

308 (b) Payments from the account shall be made upon authorization by
309 the Connecticut Siting Council not later than sixty days after receipt of
310 an application for a proposed facility, except for a facility described in
311 subdivisions (5) and (6) of subsection (a) of section 16-50i of the general
312 statutes, as amended by this act, to each municipality entitled to
313 receive a copy of such application under section 16-50l of the general

314 statutes, as amended by this act, in order to defray expenses incurred
315 by such municipalities in participating as a party to a certification
316 proceeding, except for a proceeding on an application for a facility
317 described in subdivision (5) or (6) of subsection (a) of section 16-50i of
318 the general statutes, as amended by this act. Fees received pursuant to
319 applications from a common request-for-proposal and the application
320 that initiated such request-for-proposal shall be designated for use in
321 the common certification proceeding for such applications, except that
322 where there are excess moneys at the conclusion of such proceeding,
323 such moneys shall be used for a subsequent proceeding. Where more
324 than one municipality seeks moneys from such account, the council
325 shall evenly distribute such moneys among the municipalities. No
326 municipality may receive moneys from the account in excess of
327 twenty-five thousand dollars. No municipality may receive moneys
328 from the account in excess of the dollar amount such municipality has
329 expended from its own municipal funds. A municipality that has
330 received moneys from the account in excess of the costs it incurred in
331 participating in the certification proceeding, as determined by the
332 council, shall refund such excess moneys to the account upon the
333 conclusion of such proceeding.

334 Sec. 8. Section 16a-3 of the general statutes is repealed and the
335 following is substituted in lieu thereof (*Effective July 1, 2003*):

336 (a) There is established a Connecticut Energy Advisory Board
337 consisting of [sixteen] ten members, including the Commissioner of
338 Economic and Community Development, the Commissioner of
339 Environmental Protection, [the chairperson of the Connecticut Siting
340 Council,] the chairperson of the Public Utilities Control Authority, [the
341 Commissioner of Public Works and] the Commissioner of
342 Transportation, the Consumer Counsel, the Commissioner of
343 Agriculture, and the Secretary of the Office of Policy and Management,
344 or their respective designees. The Governor shall appoint [four
345 members] one member, the president pro tempore of the Senate shall
346 appoint [three members] one member, and the speaker of the House of
347 Representatives shall appoint [three members] one member, all of

whom shall serve in accordance with section 4-1a. [At least one of the members appointed to said board by the Governor shall be a representative of organized labor.] No appointee may be employed by a public service company, as defined in section 16-1, or an electric supplier, as defined in section 16-1 or an affiliate or subsidiary of such company or supplier.

(b) The board shall, [(1) under section 16a-7, (A) recommend to the Governor and General Assembly programs for enhancing the state's energy management and carrying out the purposes of section 16a-35k and (B) recommend long-range energy supply and demand options with particular emphasis on conservation and energy resource development within the state, (2) act as a mediator and coordinator for programs which will identify opportunities for and concerns of the state in managing its future energy requirements, especially with regard to conservation and the use of renewable energy resources, (3) respond to requests of the General Assembly to review or examine issues requiring consideration and policy formulation and (4) examine the energy component of the state's economy as it affects citizens, government, commerce and industry] (1) prepare an annual report pursuant to section 9 of this act; (2) represent the state in regional transmission infrastructure planning processes conducted by the regional independent system operator, as defined in section 16-1; (3) encourage representatives from the municipalities that are affected by a proposed project of regional significance to participate in regional transmission infrastructure planning processes conducted by the regional independent system operator; (4) issue a request-for-proposal in accordance with subsections (a) and (b) of section 11 of this act; (5) evaluate the proposals received pursuant to the request-for-proposal in accordance with subsection (d) of section 11 of this act; (6) participate in a forecast proceeding conducted pursuant to subsection (a) of section 16-50r; and (7) participate in a life-cycle proceeding conducted pursuant to subsection (b) of section 16-50r.

(c) The board shall elect a chairman and a vice-chairman from among its members and shall adopt such rules of procedure as are

382 necessary to carry out its functions. [Each member of the board who
383 holds no salaried state office shall be compensated for the performance
384 of his official duties at the rate of fifty dollars per day.]

385 (d) The board shall employ such staff as is required for the proper
386 discharge of the duties of the board.

387 [(d)] (e) The Connecticut Energy Advisory Board shall be within the
388 Office of Policy and Management for administrative purposes only.

389 Sec. 9. (NEW) (*Effective July 1, 2003*) On or before January 1, 2004,
390 and annually thereafter, the Connecticut Energy Advisory Board shall
391 prepare a comprehensive energy plan based on existing reports and
392 studies as to the need for new energy resources, new energy
393 transmission facilities in the state and new energy conservation
394 initiatives in the state. The board shall hold regional public hearings on
395 the proposed plan and shall give at least thirty days notice of each
396 hearing by publication in the Connecticut Law Journal. Notice of such
397 hearing may be published in one or more newspapers having general
398 circulation in each municipality as deemed necessary by the board.
399 The notice shall state the date, time and place of the hearing, the
400 subject matter of the hearing, the statutory authority for the plan and
401 the location where a copy of the plan may be examined. Any person
402 may comment on the proposed plan. The board shall provide a time
403 period of not less than forty-five days from the date the notice is
404 published in the Connecticut Law Journal for review and comment.
405 The board shall consider fully, after all public hearings, all written and
406 oral comments respecting the proposed plan and shall mail to each
407 person who commented or requested notification, notice of availability
408 of the following documents at a designated location: The text of the
409 final plan, a summary of the differences between the proposed and
410 final plan and the reasons for such differences, and the principal
411 considerations raised in opposition to the proposed plan and the
412 reasons for rejecting any such considerations. The chairman of the
413 board shall sign the final plan and shall submit it to the joint standing
414 committee of the General Assembly having cognizance of matters

415 relating to energy, the environment and transportation. Such plan shall
416 reflect the legislative findings and policy stated in section 16a-35k of
417 the general statutes, shall be consistent with the state plan of
418 conservation and development adopted under chapter 297 of the
419 general statutes, and shall include, but not be limited to, (1) an
420 assessment of current energy supplies, demand and costs; (2) an
421 identification and evaluation of the factors likely to affect future
422 energy supplies, demand and costs; (3) a statement of progress made
423 toward long-term goals set in the previous report; (4)
424 recommendations for decreasing dependency on fossil fuels by
425 promoting energy conservation, solar and other alternative energy
426 sources; (5) an assessment of the infrastructure of the state for natural
427 gas and electric systems; (6) an evaluation of the impact of regional
428 transmission infrastructure planning processes conducted by the
429 regional independent system operator, as defined in section 16-1 of the
430 general statutes, on the state's environment, on energy market design,
431 and economic development in the state; (7) the consideration of
432 alternative energy planning mechanisms and targets as an alternative
433 to integrated resource planning; (8) a statement of energy policies and
434 long-range energy planning objectives and strategies appropriate to
435 achieve, among other things, the least-cost mix of energy supply
436 sources and measures that reduce demand for energy, giving due
437 regard to such factors as ratepayer impacts, security and diversity of
438 fuel supplies and energy generating methods, protection of public
439 health and safety, adverse or beneficial environmental impacts,
440 conservation of energy and energy resources and the ability of the state
441 to compete economically; and (9) recommendations for administrative
442 and legislative actions to implement such policies, objectives and
443 strategies, which recommendations shall be submitted to the joint
444 standing committee of the General Assembly having cognizance of
445 matters relating to energy.

446 Sec. 10. (NEW) (*Effective July 1, 2003*) The Connecticut Energy
447 Advisory Board shall develop guidelines for the evaluation process
448 under subsection (d) of section 11 of this act based on infrastructure

449 criteria which shall be consistent with state environmental policy and
 450 the findings in the comprehensive energy plan prepared pursuant to
 451 section 9 of this act, and shall include, but not be limited to, the
 452 following: (1) Environmental preference standards; (2) efficiency
 453 standards, including, but not limited to, efficiency standards for
 454 transmission, generation and demand-side management; (3)
 455 generation preference standards; (4) electric capacity, use trends and
 456 forecasted resource needs; (5) natural gas capacity, use trends and
 457 forecasted resource needs; and (6) regional bulk power grid reliability
 458 criteria.

459 Sec. 11. (NEW) (*Effective July 1, 2003*) (a) Not later than thirty days
 460 after the filing of an application pursuant to subsection (a) of section
 461 16-50i of the general statutes, as amended by this act, except for an
 462 application for a facility described in subdivision (5) or (6) of
 463 subsection (a) of section 16-50i of the general statutes, as amended by
 464 this act, the Connecticut Energy Advisory Board shall issue a request-
 465 for-proposal to seek alternative solutions to the need that will be
 466 addressed by the proposed facility in such application. Such request-
 467 for-proposal shall, where relevant, solicit proposals that include
 468 distributed generation or energy efficiency measures. The board shall
 469 publish such request-for-proposal in one or more newspapers or
 470 periodicals, as selected by the board.

471 (b) The board may issue a request-for-proposal for solutions to a
 472 need for new energy resources, new energy transmission facilities in
 473 the state, and new energy conservation initiatives in the state identified
 474 in the annual comprehensive energy report prepared under section 9
 475 of this act. Such request-for-proposal shall, where relevant, solicit
 476 proposals that include distributed generation or energy efficiency
 477 measures. The board shall publish such request-for-proposal in one or
 478 more newspapers or periodicals, as selected by the board.

479 (c) Not later than sixty days after the first date of publication of a
 480 request-for-proposal, a person or any legal entity may submit a
 481 proposal by filing with the board an application containing such

482 information as such person or entity may consider relevant to such
483 proposal. The board may request further information from the person
484 or entity that it deems necessary to evaluate the proposal pursuant to
485 subsection (d) of this section.

486 (d) Not later than sixty days after the deadline for submissions in
487 response to a request-for-proposal, the board shall issue a report that
488 evaluates each proposal received, including any proposal contained in
489 an application to the council that initiated a request-for-proposal,
490 based on the materials received pursuant to subsection (b) of this
491 section, or information contained in the application, as required by
492 section 16-50l of the general statutes, as amended by this act, for
493 conformance with the infrastructure criteria guidelines created
494 pursuant to section 10 of this act. The board shall forward the results of
495 such evaluation process to the Connecticut Siting Council.

496 Sec. 12. Section 16a-4 of the general statutes is repealed and the
497 following is substituted in lieu thereof (*Effective July 1, 2003*):

498 The Secretary of the Office of Policy and Management shall employ,
499 subject to the provisions of chapter 67, such staff as is required for the
500 proper discharge of duties of the office as set forth in this chapter and
501 sections 4-5, 4-124l, 4-124p, 8-3b, 8-32a, 8-33a, 8-35a, 8-189, subsection
502 (b) of section 8-206, sections 16a-20, 16a-102, 22a-352 and 22a-353. [,
503 and shall provide the board with such assistance as is necessary to
504 enable the board to fulfill its obligations as set forth in this chapter and
505 section 16a-102.] The secretary may adopt, pursuant to chapter 54, such
506 regulations as are necessary to carry out the purposes of this chapter.

507 Sec. 13. Subsection (e) of section 25-204 of the general statutes is
508 repealed and the following is substituted in lieu thereof (*Effective July*
509 *1, 2003*):

510 (e) After adoption pursuant to subsection (d) of this section of an
511 inventory, statement of objectives and map, the river committee shall
512 prepare a report on all federal, state and municipal laws, plans,
513 programs and proposed activities which may affect the river corridor

514 defined in such map. Such laws shall include regulations adopted
515 pursuant to chapter 440 and zoning, subdivision and site plan
516 regulations adopted pursuant to section 8-3. Such plans shall include
517 plans of conservation and development adopted pursuant to section 8-
518 23, the state plan for conservation and development, water utility
519 supply plans adopted pursuant to section 25-32d, coordinated water
520 system plans adopted pursuant to section 25-33h, the comprehensive
521 energy plan adopted pursuant to section [16a-35m] 9 of this act,
522 municipal open space plans, the commissioner's fish and wildlife
523 plans, the master transportation plan adopted pursuant to section 13b-
524 15, plans prepared by regional planning agencies pursuant to section
525 8-31a, and publicly-owned wastewater treatment facility plans. State
526 and regional agencies shall, within available resources, assist the river
527 committee in identifying such laws, plans, programs and proposed
528 activities. The report to be prepared pursuant to this section shall
529 identify any conflicts between such federal, state, regional and
530 municipal laws, plans, programs and proposed activities and the river
531 committee's objectives for river corridor protection and preservation as
532 reflected in the statement of objectives. If conflicts are identified, the
533 river committee shall notify the applicable state, regional or municipal
534 agencies and such agencies shall, within available resources, attempt
535 with the river commission to resolve such conflicts.

536 Sec. 14. Subdivision (4) of section 25-231 of the general statutes is
537 repealed and the following is substituted in lieu thereof (*Effective July*
538 *1, 2003*):

539 (4) "Major state plan" means any of the following: The master
540 transportation plan adopted pursuant to section 13b-15, the plan for
541 development of outdoor recreation adopted pursuant to section 22a-21,
542 the solid waste management plan adopted pursuant to section 22a-211,
543 the state-wide plan for the management of water resources adopted
544 pursuant to section 22a-352, the state-wide environmental plan
545 adopted pursuant to section 22a-8, the historic preservation plan
546 adopted under the National Historic Preservation Act, 16 USC 470 et
547 seq., the state-wide facility and capital plan adopted pursuant to

548 section 4b-23, the long-range state housing plan adopted pursuant to
 549 section 8-37t, the comprehensive energy plan adopted pursuant to
 550 section [16a-35m] 9 of this act, the water quality management plan
 551 adopted under the federal Clean Water Act, 33 USC 1251 et seq., the
 552 Connecticut hazardous waste management plan adopted pursuant to
 553 section 22a-134cc, any plans for managing forest resources adopted
 554 pursuant to section 23-20 and the Connecticut River Atlantic Salmon
 555 Compact adopted pursuant to section 26-302.

556 Sec. 15. Subsection (e) of section 25-234 of the general statutes is
 557 repealed and the following is substituted in lieu thereof (*Effective July*
 558 *1, 2003*):

559 (e) After adoption of an inventory, statement of objectives and map,
 560 pursuant to subsection (d) of this section, the river commission shall
 561 prepare a report on all federal, state, regional and municipal laws,
 562 plans, programs and proposed activities which may affect the river
 563 corridor defined in such map. Such federal, state, regional and
 564 municipal laws shall include regulations adopted pursuant to chapter
 565 440, and zoning, subdivision and site plan regulations adopted
 566 pursuant to section 8-3. Such federal, state, regional and municipal
 567 plans shall include plans of development adopted pursuant to section
 568 8-23, the state plan for conservation and development, water utility
 569 supply plans submitted pursuant to section 25-32d, coordinated water
 570 system plans submitted pursuant to section 25-33h, the comprehensive
 571 energy plan adopted pursuant to section [16a-35m] 9 of this act, the
 572 master transportation plan adopted pursuant to section 13b-15, plans
 573 prepared by regional planning organizations pursuant to section 8-31a
 574 and plans of publicly-owned wastewater treatment facilities whose
 575 discharges may affect the subject river corridor. State and regional
 576 agencies shall, within available resources, assist the river commission
 577 in identifying such laws, plans, programs and proposed activities. The
 578 report to be prepared pursuant to this section shall identify any
 579 conflicts between such federal, state, regional and municipal laws,
 580 plans, programs and proposed activities and the river commission's
 581 objectives for river corridor management as reflected in the statement

582 of objectives. If conflicts are identified, the river commission shall
583 notify the applicable state, regional or municipal agencies and such
584 agencies shall, within available resources and in consultation with the
585 river commission, attempt to resolve such conflicts.

586 Sec. 16. Section 16-50g of the general statutes is repealed and the
587 following is substituted in lieu thereof (*Effective July 1, 2003*):

588 The legislature finds that power generating plants and transmission
589 lines for electricity and fuels, community antenna television towers
590 and telecommunication towers have had a significant impact on the
591 environment and ecology of the state of Connecticut; and that
592 continued operation and development of such power plants, lines and
593 towers, if not properly planned and controlled, could adversely affect
594 the quality of the environment, the ecological, scenic, historic and
595 recreational values of the state. The purposes of this chapter are: To
596 provide for the balancing of the need for adequate and reliable public
597 utility services at the lowest reasonable cost to consumers with the
598 need to protect the environment and ecology of the state and to
599 minimize damage to scenic, historic, and recreational values; to
600 provide environmental quality standards and criteria for the location,
601 design, construction and operation of facilities for the furnishing of
602 public utility services at least as stringent as the federal environmental
603 quality standards and criteria, and technically sufficient to assure the
604 welfare and protection of the people of the state; to encourage research
605 to develop new and improved methods of generating, storing and
606 transmitting electricity and fuel and of transmitting and receiving
607 television and telecommunications with minimal damage to the
608 environment and other values described above; to promote energy
609 security; to promote the sharing of towers for fair consideration
610 wherever technically, legally, environmentally and economically
611 feasible to avoid the unnecessary proliferation of towers in the state
612 particularly where installation of such towers would adversely impact
613 class I and II watershed lands, and aquifers; to require annual forecasts
614 of the demand for electric power, together with identification and
615 advance planning of the facilities needed to supply that demand and

616 to facilitate local, regional, state-wide and interstate planning to
617 implement the foregoing purposes.

618 Sec. 17. Subsection (a) of section 16-50i of the general statutes is
619 repealed and the following is substituted in lieu thereof (*Effective July*
620 *1, 2003*):

621 (a) "Facility" means: (1) An electric transmission line of a design
622 capacity of sixty-nine kilovolts or more, including associated
623 equipment but not including a transmission line tap, as defined in
624 subsection (e) of this section; (2) a fuel transmission facility, except a
625 gas transmission line having a design capability of less than two
626 hundred pounds per square inch gauge pressure; (3) any electric
627 generating or storage facility using any fuel, including nuclear
628 materials, including associated equipment for furnishing electricity but
629 not including an emergency generating device, as defined in
630 subsection (f) of this section or a facility (i) owned and operated by a
631 private power producer, as defined in section 16-243b, (ii) which is a
632 qualifying small power production facility or a qualifying
633 cogeneration facility under the Public Utility Regulatory Policies Act of
634 1978, as amended, or a facility determined by the council to be
635 primarily for a producer's own use, and (iii) which has, in the case of a
636 facility utilizing renewable energy sources, a generating capacity of
637 one megawatt of electricity or less and, in the case of a facility utilizing
638 cogeneration technology, a generating capacity of twenty-five
639 megawatts of electricity or less; (4) any electric substation or
640 switchyard designed to change or regulate the voltage of electricity at
641 sixty-nine kilovolts or more or to connect two or more electric circuits
642 at such voltage, which substation or switchyard may have a substantial
643 adverse environmental effect, as determined by the council established
644 under section 16-50j, and other facilities which may have a substantial
645 adverse environmental effect as the council may, by regulation,
646 prescribe; (5) such community antenna television towers and head-end
647 structures, including associated equipment, which may have a
648 substantial adverse environmental effect, as said council shall, by
649 regulation, prescribe; [and] (6) such telecommunication towers,

650 including associated telecommunications equipment, owned or
651 operated by the state, a public service company or a certified
652 telecommunications provider or used in a cellular system, as defined
653 in the Code of Federal Regulations Title 47, Part 22, as amended, which
654 may have a substantial adverse environmental effect, as said council
655 shall, by regulation, prescribe; and (7) any component of a proposal
656 submitted pursuant to the request-for-proposal process.

657 Sec. 18. Subsection (a) of section 16-245l of the general statutes is
658 repealed and the following is substituted in lieu thereof (*Effective July*
659 *1, 2003*):

660 (a) The Department of Public Utility Control shall establish and each
661 electric distribution company shall collect a systems benefits charge to
662 be imposed against all end use customers of each electric distribution
663 company beginning January 1, 2000. The department shall hold a
664 hearing that shall be conducted as a contested case in accordance with
665 chapter 54 to establish the amount of the systems benefits charge. The
666 department may revise the systems benefits charge or any element of
667 said charge as the need arises. The systems benefits charge shall be
668 used to fund (1) the expenses of the public education outreach
669 program developed under subsection (a) of section 16-244d other than
670 expenses for department staff, (2) the reasonable and proper expenses
671 of the education outreach consultant pursuant to subsection (d) of
672 section 16-244d, (3) the cost of hardship protection measures under
673 sections 16-262c and 16-262d and other hardship protections, including
674 but not limited to, electric service bill payment programs, funding and
675 technical support for energy assistance, fuel bank and weatherization
676 programs and weatherization services, (4) the payment program to
677 offset tax losses described in section 12-94d, (5) any sums paid to a
678 resource recovery authority pursuant to subsection (b) of section 16-
679 243e, (6) low income conservation programs approved by the
680 Department of Public Utility Control, (7) displaced worker protection
681 costs, (8) unfunded storage and disposal costs for spent nuclear fuel
682 generated before January 1, 2000, approved by the appropriate
683 regulatory agencies, (9) postretirement safe shutdown and site

684 protection costs that are incurred in preparation for decommissioning,
 685 (10) decommissioning fund contributions, [and] (11) operating
 686 expenses for the Connecticut Energy Advisory Board, and (12) legal,
 687 appraisal and purchase costs of a conservation or land use restriction
 688 and other related costs as the department in its discretion deems
 689 appropriate, incurred by a municipality on or before January 1, 2000, to
 690 ensure the environmental, recreational and scenic preservation of any
 691 reservoir located within this state created by a pump storage
 692 hydroelectric generating facility. As used in this subsection, "displaced
 693 worker protection costs" means the reasonable costs incurred, prior to
 694 January 1, 2006, by an electric company or a generation entity or
 695 affiliate arising from the dislocation of any employee other than an
 696 officer, provided such dislocation is a result of restructuring of the
 697 electric generation market and such dislocation occurs on or after July
 698 1, 1998; and provided further such costs result from either the
 699 execution of agreements reached through collective bargaining for
 700 union employees or from the company's or entity's or affiliate's
 701 programs and policies for nonunion employees. "Displaced worker
 702 protection costs" includes costs incurred or projected for severance,
 703 retraining, early retirement, outplacement and related expenses.
 704 "Displaced worker protection costs" does not include those costs
 705 included in determining a tax credit pursuant to section 12-217bb.

706 Sec. 19. (*Effective July 1, 2003*) Sections 16a-7 and 16a-35m of the
 707 general statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>

Sec. 10	<i>July 1, 2003</i>
Sec. 11	<i>July 1, 2003</i>
Sec. 12	<i>July 1, 2003</i>
Sec. 13	<i>July 1, 2003</i>
Sec. 14	<i>July 1, 2003</i>
Sec. 15	<i>July 1, 2003</i>
Sec. 16	<i>July 1, 2003</i>
Sec. 17	<i>July 1, 2003</i>
Sec. 18	<i>July 1, 2003</i>
Sec. 19	<i>July 1, 2003</i>

ET *Joint Favorable Subst. C/R* ENV

ENV *Joint Favorable*

FIN *Joint Favorable*

GAE *Joint Favorable*